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FILED
FEB 4 1931
CHARLES ELMORE CROPLEY
CLERK

Nos. 637, 640, and 643

In the Supreme Court of the United States

OCTOBER TERM, 1930

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, WALTER A. BAILEY, ET AL., CROSS-APPELLANTS,

v.

MERCHANTS WAREHOUSE COMPANY ET AL.

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, WALTER A. BAILEY, ET AL., CROSS-APPELLANTS,

v.

THE PENNSYLVANIA WAREHOUSING & SAFE DEPOSIT COMPANY ET AL.

UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, WALTER A. BAILEY, ET AL., CROSS-APPELLANTS,

v.

THE PHILADELPHIA WAREHOUSING & COLD STORAGE COMPANY ET AL.

Cross-Appeals from the District Court of the United States for the Eastern District of Pennsylvania

STATEMENT OF JURISDICTION

In the Supreme Court of the United States

OCTOBER TERM, 1930

No. 637

UNITED STATES OF AMERICA, INTERSTATE COMMERCE Commission, Walter A. Bailey, et al., Cross-Appellants,

v.

MERCHANTS WAREHOUSE COMPANY, ET AL.

No. 640

UNITED STATES OF AMERICA, INTERSTATE COMMERCE Commission, Walter A. Bailey, et al., Cross-Appellants,

v.

THE PENNSYLVANIA WAREHOUSING & SAFE DEPOSIT Company, et al.

No. 643

UNITED STATES OF AMERICA, INTERSTATE COMMERCE Commission, Walter A. Bailey, et al., Cross-Appellants,

v.

THE PHILADELPHIA WAREHOUSING & COLD STORAGE Company, et al.

Cross-Appeals From The District Court Of The United States For The Eastern District Of Pennsylvania

35059—31

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, the cross-appellants submit herewith their statement showing the basis of this Court's jurisdiction:

A

STATUTES

Section 238 of the Judicial Code as amended by the Act of February 13, 1925, c. 229, 43 Stat. 936, 938, paragraph (4). (U. S. C. Title 28, Sec. 345.)

Urgent Deficiencies Act of October 22, 1913, c. 32, 38 Stat. 208, 219, 220. (U. S. C. Title 28, Sec. 47.)

B

DATE OF DECREE AND APPLICATION FOR APPEAL

The final decree (R. 145)[1] sustaining the order of the Interstate Commerce Commission was entered November 19, 1930. The orders allowing the appeals, which also incorporate the stay orders (R. 162, 168, 174, 656, 661, 667, 783, 789, 795), were entered November 19, 1930, and December 24, 1930. The applications for the cross-appeals were filed and the orders allowing them (R. 168, 667, 795), were entered January 7, 1931. The cross-appeals were docketed in this Court January 9, 1931.

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[1] All references to the record are to the pages of the certified unprinted record prepared by the Clerk of the District Court and on file with the Clerk of this Court. The record has not yet been printed.

C

NATURE OF THE CASE

Suits were brought below to enjoin and annul an order of the Interstate Commerce Commission issued December 28, 1929, in proceedings entitled "No. 20968, *James Gallagher et al.* v. *Pennsylvania Railroad Company,*" which also embraced No. 20968, Sub-No. 1, *Walter A. Bailey et al.* v. *Baltimore & Ohio Railroad Company,* and No. 20968, Sub-No. 2, *Rex & Company, Inc. et al.* v. *Reading Company,* 160 I. C. C. 563. The order directed the three railroad companies named therein to cease, desist, and abstain from publishing or making allowances to the Merchants Warehouse Company and Quaker City Cold Storage Company, Pennsylvania Warehousing & Safe Deposit Company, and Philadelphia Warehousing and Cold Storage Company, respectively, in connection with the loading or unloading of carload package freight at Philadelphia, Pennsylvania, the Commission having found in its report that the allowances were rebates, payment of which resulted in unjust discrimination and undue prejudice.

The specially-constituted District Court filed its findings of fact (R. 95) and its written opinion holding that the order was valid in all respects and dismissed the petitions for injunction.

Upon the petitioners' applications, that court granted and issued, as parts of its orders allowing

the appeals, orders staying and suspending the Commission's order pending determination of the appeals by this Court. From the "stay orders" the cross-appeals were prosecuted.

D

CASES SUSTAINING JURISDICTION

Beaumont, Sour Lake & Western Ry. Co. v. *United States*, 282 U. S. 74.

Virginian Railway Co. v. *United States*, 272 U. S. 658.

St. Louis & O'Fallon Ry. Co. v. *United States*, 279 U. S. 461.

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JANUARY, 1931.

U. S. GOVERNMENT PRINTING OFFICE: 1931